

1-4-2005

PUBLIC SCHOOLS. RESTRICTIONS ON SEX-RELATED INSTRUCTION. INITIATIVE STATUTE

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PUBLIC SCHOOLS. RESTRICTIONS ON SEX-RELATED INSTRUCTION. INITIATIVE STATUTE California Initiative 1070 (2005).
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SECRETARY OF STATE
KEVIN SHELLEY
STATE OF CALIFORNIA

RECEIVED

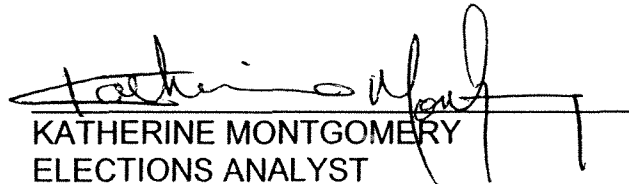
JAN 12 2005

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January 5, 2005

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS/PROponents (05002)

FROM:


KATHERINE MONTGOMERY
ELECTIONS ANALYST

SUBJECT: **INITIATIVE #1070 [REVISED]**

AMENDED CIRCULATION CALENDAR ENCLOSED

On January 4, 2005, the Secretary of State's Office issued a circulation calendar for an initiative entitled, "*Public Schools. Restrictions On Sex-Related Instruction. Initiative Statute.*" **Attached is an amended circulation calendar which supercedes** the circulation calendar dated January 4, 2005. The initial calendar contained an incorrect minimum number of signatures required.

Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**PUBLIC SCHOOLS. RESTRICTIONS ON SEX-RELATED INSTRUCTION.
INITIATIVE STATUTE.**

The proponent of the above-named measure is:

Tony Andrade
P.O. Box 596
Rancho Murieta, CA 95683

(916) 230-2123

#1070

**PUBLIC SCHOOLS. RESTRICTIONS ON SEX-RELATED INSTRUCTION.
INITIATIVE STATUTE.**

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 373,816
California Constitution, Article II, Section 8(b)
2. Official Summary Date:..... Tuesday, 01/04/05
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (EC §336)Tuesday, 01/04/05
 - b. Last day Proponent can circulate and file
with the county. All sections are to be filed at the
same time within each county (EC §336, 9030(a))..... Friday, 06/03/05
 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (EC §9030(b)) Wednesday, 06/15/05

(If the Proponent files the petition with the county on a date prior to 06/03/05,
the county has eight working days from the filing of the petition to determine the
total number of signatures affixed to the petition and to transmit the total to the
Secretary of State) (EC §9030(b)).
 - d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures
and notifies the counties..... Friday, 06/24/05*
 - e. Last day for county to determine total number of qualified
voters who signed the petition, and to transmit certificate
with a blank copy of the petition to the Secretary of State
(EC §9030(d)(e))Monday, 08/08/05

*Date varies based on the date of county receipt.

INITIATIVE #1070

Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 06/24/05, the last day is no later than the thirtieth working day after the county's receipt of notification). (EC §9030(d)(e)).

- f. If the signature count is more than 411,198 or less than 355,125 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 355,125 and 411,198 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of **all** signatures (EC §9030(f)(g); 9031(a)) Thursday, 08/18/05*
- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (EC §9031(b)(c)). Monday, 10/03/05

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 08/18/05, the last day is no later than the thirtieth working day after the county's receipt of notification)
(EC §9031(b)(c)).

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (EC §9031(d); 9033) Friday, 10/07/05*

*Date varies based on the date of county receipt.

IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal. App. 3d 825, 177 Cal. Rptr. 621; 63 Ops. Cal. Atty. Gen. 37 (1980).
- Please refer to Elections Code sections 100, 101, 101.5, 104, 9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

Enclosures

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550
Public: (916) 445-9555

Facsimile: (916) 324-8835
Phone: (916) 324-5490

January 4, 2005

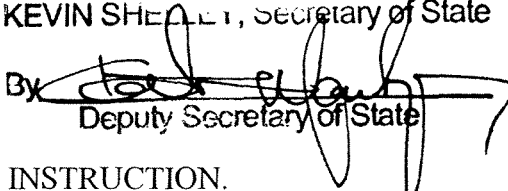
FILED

in the office of the Secretary of State
of the State of California

Kevin Shelley
Secretary of State
1500 - 11th Street, 5th Floor
Sacramento, California 95814

JAN 4 2005

KEVIN SHELLEY, Secretary of State

By 
Deputy Secretary of State

RE: Initiative Title and Summary
SUBJECT: PUBLIC SCHOOLS.
RESTRICTIONS ON SEX-RELATED INSTRUCTION.
INITIATIVE STATUTE.
FILE NO: SA2004RF0033

Dear Mr. Shelley:

Pursuant to the provisions of sections 9004 and 336 of the Elections Code, you are hereby notified that on this day we mailed our title and summary to the proponent of the above-identified proposed initiative.

Enclosed is a copy of our transmittal letter to the proponent, a copy of our title and summary, a declaration of service thereof, and a copy of the proposed measure.

According to information available in our records, the name and address of the proponent is as stated on the declaration of service.

Sincerely,



TRICIA KNIGHT
Initiative Coordinator

For BILL LOCKYER
Attorney General

TK/cw
Enclosures

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

PUBLIC SCHOOLS. RESTRICTIONS ON SEX-RELATED INSTRUCTION. INITIATIVE
STATUTE. Prohibits public elementary school instruction on specified sex-related subjects. Requires daily advance written parental notification and approval for every day of such instruction in grades 7 through 12. Exceptions for students 18 years of age, for federally approved disease-prevention instruction and student requests for confidential counseling with school psychologist or peace officer. Specifies content and format of notice, including parents' rights, description of information to be taught and materials or sources to be used. Provides school district liability of \$5,000 per violation plus attorney's fees and court costs. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Additional costs to school districts from parent notification regarding sex education topics, potentially in the low millions of dollars annually.

SA2004 RF0033

Civil Rights for Families

PO Box 596, Rancho Murieta, CA. 95683
916-230-2123 Tony95683@netzero.net

Nov. 12, 2004

Honorable California Attorney General
Bill Lockyer
1300 I Street, 17th Floor
Sacramento, CA 95814
916-324-5490

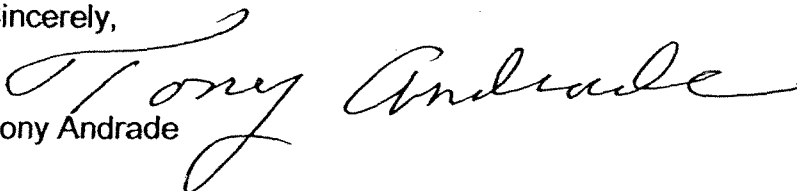
Reference: Resubmit; Civil Rights for Families Initiative. No SA2004RF0023

Dear Christine,

It is hereby requested that the attached amended initiative "Civil Rights for Families" be resubmitted. There are no changes from the original dated June 24, 2004..

I am also attaching a new 9608 affidavit.

Sincerely,


Tony Andrade

SA2004RF0033

Civil Rights for Families

PO Box 596, Rancho Murieta, CA. 95683
916-230-2123 Tony95683@netzero.net

Nov. 12, 2004

Honorable California Attorney General
Bill Lockyer
1300 I Street, 17th Floor
Sacramento, CA 95814
916-324-5490

Reference: Resubmit; Civil Rights for Families Initiative. No SA2004RF0023

AFFIDAVIT

I, Anthony Andrade, proponent, acknowledge that it is a misdemeanor under state law (Section 18650) of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for this ballot.

Anthony F. Andrade

Dated this 12 day of NOV. 2004

RECEIVED

NOV 12 2004

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

SA2004RF0033
~~SA2004RF0033,~~
~~Amended~~

AMMENDED: Proposed California Ballot Initiative. Statute.

SECTION 1. Section 51556 is added to the Education Code, to read:

51556. (a) Before homosexuality, lesbianism, bestiality, sadism, masochism, sodomy, pederasty, pedophilia, transvestitism, bisexuality, transgenderism, transexuality, necrophilia, domestic partnerships, cunnilingus, fellatio, orgies, or masturbation may be taught in any public school setting in the presence of any pupil in grades 7 to 12, inclusive, the school shall notify the parent or guardian of the pupil in writing no more than 15 days and no less than 10 days in advance, and obtain the parent's or guardian's written *approval*.

(b) The subjects specified in subdivision (a) may not be taught in any public school setting in the presence of any pupil in kindergarten or grades 1 to 6, inclusive.

(c) The written *approval* shall be effective for only one day. Notice and written *approval* shall be required for each additional day.

(d) The notice provided by the school shall include all of the following:

1. The notice shall be titled "Request for Parental Approval of Specified Sexual Instruction" and shall be printed at the top of the page, in boldface and no less than 16 point type, immediately followed by the text of subdivisions (a) and (b) of this Section in no less than 14 point type.
2. The date, time and location of the instruction.
3. The name of the teacher or administrator in charge of the instruction and the name and affiliation of the presenters, if any.
4. The telephone number where the teacher or administrator in charge may be reached during regular school hours.
5. A reminder that parents and guardians may attend the class or assembly.
6. A detailed and accurate description of the information to be taught, including but not limited to the scope and content of any instruction, activity, program, testimonial or counseling; copies of any curriculum, text, illustration, poster, handout, literature, test, survey, audio or visual presentation, and the address of any Internet site to be used.
7. The information required by subdivisions (2) through (6) shall be printed in no less than 12 point type.

(e) Any curriculum, text, illustration, poster, handout, literature, test, survey, audio or visual presentation to be used in the instruction of any of the subjects specified

in subdivision (a) shall be kept in the school office, out of the sight of pupils, and shall be available for inspection and copying by any parent, guardian, or agent of the parent or guardian beginning at least 15 days in advance, and for at least 15 days after the instruction. Written *approvals* shall be retained by the school for at least 90 days. A parent, guardian, or agent of the parent or guardian is entitled to inspect and copy the completed *approval* form of the parent or guardian upon request. The school district may charge a reasonable fee to cover costs associated with copying the requested items.

(f) If a parent or guardian does not grant *approval*, the pupil may not be penalized, but shall be excused from the instruction and offered other activities worth equal credit. If the parents or guardians of a majority of the students in a class or assembly withhold their written *approval*, then the instruction of any of the subjects in subdivision (a) shall be relocated.

(g) A school district in which a district employee, contractor, agent, or volunteer is determined to be in violation of this section shall be liable to the pupil or the pupil's parent or guardian for damages of five thousand dollars (\$5,000), adjusted annually by an inflation factor based on the change in the California Consumer Price Index for all items, per incident. In any action brought under this section, the school district shall have the burden of proving that it complied with the notice and *approval* requirements. The prevailing plaintiff shall be entitled to reasonable attorney fees and court costs.

(h) For purposes of this section, the following definitions apply:

1. "Parent" means the biological parent or the legally adoptive parent.
2. "Guardian" means the legal guardian of the pupil.
3. "Taught" means provide any, explanation, demonstration, discussion, counseling, depiction, dissemination, display, posting, test, question, survey, or assignment.
4. "Instruction" means any explanation, demonstration, discussion, counseling, depiction, dissemination, display, posting, test, question, survey, or assignment.
5. "Notice" or "Notify" means any written advisory, subject to the requirements of subdivision (d), that one or more of the subjects specified in subdivision (a) will be taught.
6. "Public school setting" means on school grounds or any school sponsored activity involving any school district employee, contractor, volunteer, or agent regardless of location.

(i) This section is not intended to, and shall not be construed to, prevent or limit a school district from disciplining any person who engages in unlawful conduct with respect to a pupil or a school employee.

(j) Consistent with the other requirements of this article, subdivisions (a) and (b) do not apply to applicable instruction regarding the prevention of disease that is federally approved or to individual pupils who request confidential counseling with a school psychologist or peace officer.

(k) This section does not apply to students who are 18 years of age or older.

(l) This section shall be liberally construed in favor of prohibiting the teaching of the subjects specified in subdivision (a).

(m) This section shall supercede all other provisions of law.

(n) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

